IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE ANTONY DOMINIC

THURSDAY, THE 13TH DECEMBER 2007 / 22ND AGRAHAYANA 1929

RP.No. 1231 of 2007(K)

AGAINST THE JUDGEMENT IN WPC.31188/2007 Dated 13/11/2007

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REVIEW PETITIONER/RESPONDENTS IN WP(C):

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1. KERALA STATE HOUSING BOARD,
   REPRESENTED BY ITS SECRETARY, HOUSING BOARD
   BUILDINGS, TRIVANDRUM.

2. THE ADMINISTRATIVE OFFICER,
   OFFICE OF THE REGIONAL ENGINEER, KERALA STATE
   HOUSING BOARD, COCHIN HOUSING UNIT, COCHIN-36.

3. THE REGIONAL ENGINEER,
   OFFICE OF THE REGIONAL ENGINEER, KERALA STATE
   HOUSING BOARD, COCHIN-28.

BY ADV. SRI.A.JAYASANKAR, SC KSHB, TVM

RESPONDENT: PETITIONER IN WRIT PETITION:

SMT. T.K.ANNAMMA,
28/815, PANAKKAL HOUSE, MATTALIL TEMPLE ROAD,
KADAVANTRA, COCHIN-20.

BY ADV. SRI.S.CHANDRASENAN

THIS REVIEW PETITION HAVING COME UP FOR ADMISSION ON 13/12/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

ANTONY DOMINIC, J.

R.P. 1231 of 2007

in

W.P.(C) 31188 of 2007

Dated: December 13, 2007

JUDGMENT

The main ground urged in the review petition is that the writ petitioner's delay in furnishing the records that were called for has contributed to the delay on the part of the Housing Board in taking a request for transfer of the land. It is contended that the writ petitioner was called upon to pay the amount that was demanded for effecting transfer of the property to her daughter and son-in-law and the rate applicable is what is payable on the date of decision by the Housing Board.

2. But from the averments in the review petition itself I notice that the informations called for were furnished by the writ petitioner on 5.06.2007 and that it is admitted that the change in the rate of fee for effecting transfer was implemented only with effect from 26.6.2007. If that be so, even if the liability is determined as on 5.6.2007, the writ petitioner is entitled to get the property

transferred at the pre-revised rate.

3. It is contended that the change effected was only procedural and hence is retrospective. It is also stated that the petitioner had no vested right to get the land transferred.

4. I am not able to agree. First of all this issue is raised for the first time in the review petition and therefore it is not permissible to be urged in a review petition. Secondly, it is contended that the change in the rate of fee effected was only procedural. The consequence of the so called procedural change is an additional liability of more than Rs.4 lakhs on the writ petitioner and hence I am not willing to accept the contention that it was merely procedural. Therefore I do not see any merit in this contention either.

The Review Petition is accordingly dismissed.

ANTONY DOMINIC, JUDGE

mt/-